

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

ELRICK HARRIS,

Plaintiff,

v.

**OPTION ONE MORTGAGE
CORPORATION, H&R BLOCK
MORTGAGE CORPORATION,
PREMIER MORTGAGE
FUNDING, INC.; AND MORGAN
TITLE SERVICE, LLC,**

Defendants.

CIVIL ACTION NO.

2:06-cv-630-ID

FIRST AMENDMENT TO ANSWER OF DEFENDANTS

COME NOW defendants Option One Mortgage Corporation and H&R Block Mortgage Corporation and hereby amend their Answer to plaintiff's Complaint to assert the following additional defense:

TWENTY-EIGHTH DEFENSE

Some or all of plaintiff's claims are barred under the economic loss rule.

Respectfully submitted,

/s/ Stephen A. Walsh

Stephen A. Walsh

Attorney for Defendants

Option One Mortgage Corporation and
H&R Block Mortgage Corporation

OF COUNSEL:

ADAMS AND REESE LLP
2100 Third Avenue North, Suite 1100
Birmingham, Alabama 35203-3367
Telephone: (205) 250-5000
Facsimile: (205) 250-5034

CERTIFICATE OF SERVICE

I hereby certify that on December 13, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Robert E. Kirby, Jr.
Smith, Hanson & Kirby, LLC
Attorney for Plaintiff
4401 Gary Avenue
Fairfield, AL 35064

Richard M. Allen
Chad W. Bryan
Capell & Howard
150 South Perry Street
Montgomery, AL 36104

Joseph C. Espy, III
Melton Espy & Williams, PC
P. O. Drawer 5130
Montgomery, AL 36103-5130

/s/ Stephen A. Walsh
OF COUNSEL